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10/577,703	12/12/2006	Masahiro Saito	81887.0145	3181
26/021 7590 07/17/2009 HOGAN & HARTSON L.L.P. 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067				
EXAMINER DEAN, JR, JOSEPH E				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/577,703

Applicant(s)

SAITO, MASAHIRO

Examiner

JOSEPH DEAN, JR

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 03/25/09, with respect to the rejection(s) of claim(s) 1-9 under 102e have been fully considered and are persuasive. Therefore, the rejection has been withdrawn due claim of priority is perfected by filing a certified priority document in an English translation. However, upon further consideration, a new ground(s) of rejection is made in view of Fenner (US5860136), Matsugatani et al. (US20020080778) and Urabe (US6125282).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Fenner (US5860136).

Per claim 3, Fenner discloses a mobile communication managing apparatus comprising: a mobile communication terminal side receiving section which receives data that is assigned with two kinds of addresses including a mobile communication terminal identification address for identifying a mobile communication terminal and a communication interface identification address for identifying a communication interface of the mobile communication terminal (col. 9 lines 26-67 col. 10 lines 1-8); an address

storing section which stores an address table in which the mobile communication terminal identification address and the communication interface identification address that are assigned to the received data are associated with each other (col.9 lines 26-67 and col.10 lines 39-60, Fig 2); a communication apparatus side transmitting section which transmits the data received by the mobile communication terminal side receiving section to a certain destination (col.10 lines 39-60); a communication apparatus side receiving section which receives data being assigned with a mobile communication terminal identification address (col.10 lines 61-67 and col.11 lines 1-14); a communication interface detecting section which detects a communication interface identification address that corresponds to the mobile communication terminal identification address being assigned to the data received by the communication apparatus side receiving section based on the address table (col.10 lines 61-67 and col.11 lines 1-14); and a mobile communication terminal side transmitting section which transmits the data received by the communication apparatus side receiving section via the detected communication interface (col.9 lines 33-67).

Per claim 7, refer to same rationale as explained in claim 3.

Per claim 9, refer to same rationale as explained in claim 3 (i.e. Fenner, col. 10- lines 61-67 and col.11 lines 1-14).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsugatani et al. (US20020080778) (hereinafter Matsugatani) and further in view of Urabe (US6125282).

Per claim 1, Matsugatani discloses a mobile communication terminal comprising: a plurality of communication interfaces; a communication interface selecting section which selects a communication interface for transmitting data from the plurality of communication interfaces (paragraphs 0034 and 0041); a communication interface identification address assigning section which assigns a communication interface identification address for identifying the selected communication interface to the data (paragraphs 0033, 0060 and 0061); and a transmitting section which transmits the data being assigned with the two kinds of addresses via the selected communication interface (paragraphs 0088-0090 and 0094-0097; but fails to disclose a terminal identification address assigning section which assigns a terminal identification address for identifying the mobile communication terminal to the data.

However, Urabe discloses a terminal identification address assigning section which assigns a terminal identification address for identifying the mobile communication terminal to the data (col.1 lines 12-22, col.6 lines 54-67 and col.7 lines 1-15, Fig 6, 7).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Matsugatani and Urabe as a whole to produce the invention as claimed

with a reasonable expectation of achieving a mechanism which identifies a portable terminal via identifiable data parameters.

Per claim 2, the combination discloses the mobile communication terminal according to claim 1, Matsugatani discloses further comprising: a radio wave monitoring section which monitors a status of radio wave reception at a current location (paragraph 0038), wherein the communication interface selecting section selects the communication interface in accordance with the monitored status of the radio wave reception (paragraphs 0040, 0044 and Fig 3, ref. 27, 28).

Per claim 6, refer to same rationale as explained in claim 1.

6. Claims 4, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsugatani (US20020080778) and Urabe (US6125282), and further in view of Fenner (US5860136).

Per claim 4, Matsugatani and Urabe discloses a mobile communication system comprising: a mobile communication terminal including (**refer to claim 1**): a plurality of communication interfaces; a communication interface selecting section which selects a communication interface for transmitting data from the plurality of communication interfaces (**refer to claim 1**); a mobile communication terminal identification address assigning section which assigns a mobile communication terminal identification address for identifying the mobile communication terminal to data (**refer to claim 1**); a communication interface identification address assigning section which assigns a communication interface identification address for identifying the selected communication interface to the data (**refer to claim 1**); and a transmitting section which

transmits the data being assigned with the two kinds of addresses via the selected communication interface (**refer to claim 1**); but fail to disclose a mobile communication managing apparatus including: a mobile communication terminal side receiving section which receives the data from the mobile communication terminal (**refer to claim 3**); an address storing section which stores an address table in which the mobile communication terminal identification address and the communication interface identification address that are assigned to the received data are associated with each other (**refer to claim3**); a communication apparatus side transmitting section which transmits the data received by the mobile communication terminal side receiving section to a certain destination (**refer to claim 3**); a communication apparatus side receiving section which receives data being assigned with a mobile communication terminal identification address (**refer to claim3**); a communication interface detecting section which detects a communication interface identification address that corresponds to the mobile communication terminal identification address being assigned to the data received by the communication apparatus side receiving section based on the address table (**refer to claim 3**); and a mobile communication terminal side transmitting section which transmits the data received by the communication apparatus side receiving section via the detected communication interface (**refer to claim 3**).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Matsugatani, Urabe and Fenner as a whole to produce the invention as claimed with a reasonable expectation of achieving more efficient way identifying mobile

nodes with associated interfacing nodes or devices to associated data to communicate to various networks by assigning a fixed, unique and unchangeable identification codes.

Per claim 5, the combination disclose the mobile communication system according to claim 4, wherein Matsugatani discloses the mobile communication terminal includes a switching informing section which transmits a switch information signal to the mobile communication managing apparatus when the communication interface selecting section selects another communication interface from the plurality of communication interfaces (paragraphs 0033, 0034 0040, 0043 and 0044), the mobile communication managing apparatus includes a switching signal receiving section which receives the switch information signal (paragraph 0036); Urabe discloses the switch information signal being assigned with the mobile communication terminal identification address and a communication interface identification address corresponding to the communication interface to be newly selected (col.7 lines 53-67 col.8 lines 1-18), and the address storing section stores the address table in which the mobile communication terminal identification(i.e. **communication terminal ref.11, Fig 3**) address and the communication interface (i.e. **informational terminal ref. 21, Fig 3**) identification address that are assigned to the switch information signal are associated with each other (col.7 lines 1-15 and col.9 lines 13-47).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of Matsugatani, Urabe and Fenner as a whole to produce the invention as

claimed with a reasonable expectation of achieving identifying terminal address and communication interface data for efficient communication.

Per claim 8, refer to same rationale as explained in claim 4.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH DEAN, JR whose telephone number is (571)270-7116. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corsaro Nick can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOSEPH DEAN, JR/

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Examiner, Art Unit 2617

/NICK CORSARO/

Supervisory Patent Examiner, Art Unit 2617